

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ACS STATE & LOCAL	)	
SOLUTIONS INC.,	)	Civil Action No. 1:CV -1-2060
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT FOR PATENT
	)	INFRINGEMENT
EFTCHILDSUPPORT.COM, LLC.	)	
	)	(JUDGE KANE)
Defendant.	)	

DEFENDANT'S ANSWER TO PLAINTIFF'S  
AMENDED COMPLAINT

Defendant, EFTCHILDSUPPORT.COM LLC ("EFT"), for its Answer to the Amended Complaint filed by Plaintiff, ACS STATE & LOCAL SOLUTIONS, INC. ("ACS"), states as follows.

JURISDICTION AND VENUE

1. This is an action seeking redress for patent infringement under the Patent Laws of the United States, Title 35, United States Code.

Admitted.

2. This Court has jurisdiction under the provisions of 28 U.S.C. §§1331 and 1338(a).

Admitted.

3. Venue is proper in this district under 28 U.S.C. §§1391(c) and 1400(b). ACS has a business in Harrisburg, Pennsylvania, and, upon information and belief, Eftchildsupport has transacted business directly pertinent to this case in Harrisburg, Pennsylvania.

Denied.

THE PARTIES

4. ACS is a corporation organized under the laws of the State of New York with its principal place of business at 300 Frank W. Burr Blvd., Teaneck, NJ 07666. ACS has a substantial, permanent, and continuous business presence in the Middle District of Pennsylvania. ACS is the lawful owner of U.S. Patent No. 6,119,107.

EFT is without sufficient information or knowledge to form a belief as to the truth of these allegations and therefore denies the same.

5. Upon information and belief, Eftchildsupport is a limited liability company organized under the laws of the State of Illinois with a business address at 55 W. 22nd Street, Suite 160, Lombard, IL 60148. Upon information and belief, Eftchildsupport has a substantial, permanent and continuous business presence in the Middle District of Pennsylvania.

EFT admits that it is an Illinois limited liability company located at the alleged address in Lombard, Illinois. EFT denies the remaining allegations of this paragraph.

6. Upon information and belief, Eftchildsupport does business in this judicial district and has committed and is continuing to commit acts of infringement in the Middle District of Pennsylvania. Upon information and belief, Eftchildsupport uses, sells, and/or offers for sale child support services in this judicial district. Moreover, upon information and belief, Eftchildsupport has engaged in business in this judicial district by reason of its contacts with the State of Pennsylvania to become a recognized supplier of services in this judicial district and throughout the State of Pennsylvania.

Denied.

COUNT:PATENT INFRINGEMENT OF U.S. PATENT NO. 6,119,107

7. ACS incorporates by reference the allegations contained in paragraphs 1 through 6 of the Complaint as if fully set forth herein.

EFT incorporates by references its responses to the allegations contained in paragraphs 1 through 6 as if fully set forth herein.

8. On January 7, 1998, patent application Serial No. 09/003,941 ("the '941 application"), entitled "Method and Apparatus for Payment Processing Using Debit-Based Electronic Funds Transfer and Disbursement Processing Using Addendum-Based Electronic Data Interchange," was filed in the U.S. Patent and Trademark Office ("USPTO") based on an earlier-filed patent application, which was filed on September 30, 1997. The '941 application was assigned to Lockheed Martin Corporation, and this assignment was recorded with the USPTO on January 7, 1998 at Reel 8948, Frame 0718. The '941 application issued as U.S. Patent No. 6,119,107 ("the '107 patent") on September 12, 2000. A copy of the '107 patent is attached as Exhibit A.

EFT admits that Exhibit A purports to be a copy of United States Patent No. 6,119,107 ("the '107 patent") and further admits, on information and belief that the '107 patent issued on September 12, 2000 from patent application serial number 09/003,941 which was based on an earlier-filed patent application. EFT is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 8 of the Amended Complaint.

9. On March 27, 2001, Lockheed Martin Corporation transferred by assignment all rights, title, and interest to the '107 patent (and all divisions, continuations, and reissues thereof) to Lockheed Martin IMS Corporation. This assignment was recorded with the USPTO on April 6, 2001 at Reel 011675, Frame 0432.

EFT is without knowledge or information sufficient to form a belief as to the truth of this allegation.

10. On August 31, 2001, Lockheed Martin IMS Corporation filed a Certificate of Amendment with the State of New York Department of State, changing its name to ACS State & Local Solutions, Inc. A Notice of Recordation

was filed with the USPTO on October 18, 2001 to provide notice of the name change with respect to the assignment for the '107 patent.

EFT is without knowledge or information sufficient to form a belief as to the truth of this allegation.

11. Upon information and belief, Eftchildsupport has directly infringed under 35 U.S.C. §271(a), has actively induced infringement under 35 U.S.C. §271(b), and has contributed to infringement under 35 U.S.C. §271(c) in the Middle District of Pennsylvania and elsewhere throughout the United States, by unlawfully making, using, selling, and/or offering for sale a method and system for child support services covered by one or more claims of the '107 patent, to the damage of ACS.

Denied.

12. Eftchildsupport has no license or other authorization to utilize the inventions described and claimed in the '107 patent.

Admitted.

13. By reason of the aforesaid acts of infringement, ACS has been, and will continue to be, irreparably harmed.

Denied.

AFFIRMATIVE DEFENSES

EFT, for its Affirmative Defenses to the Amended Complaint, alleges as follows:

1. The Court lacks personal jurisdiction over defendant.
2. Venue is not proper in this district.
3. The '107 patent is not infringed.
4. By reasons of proceedings in the United States Patent and Trademark Office during prosecution of the application that resulted in the issuance of the '107 patent, and the admissions and representations made therein, ACS is estopped from asserting any construction of the claims of the '107 patent which would cover or include any of the alleged acts of infringement of which ACS complains.
5. The '107 patent is invalid and void for failure to meet the conditions for patentability specified Title 35, Part II of the United States Code. 35 U.S.C. §§101-103.

6. The '107 patent is invalid and void for failure to comply with the requirements of Title 35, Section 112 of the United States Code. 35 U.S.C. § 112.

7. On information and belief, the '107 patent is unenforceable because of an intentional failure to disclose pertinent information to the United States Patent and Trademark Office during the prosecution of the application for patent.


8. On information and belief, the '107 patent is unenforceable for misuse.

WHEREFORE, EFT prays for judgment: dismissing ACS's First Amended Complaint with prejudice; awarding EFT its costs and reasonable attorneys' fees; and granting EFT such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

EFT hereby demands a trial by jury of all issues triable by jury.

Dated: November 29, 2001

By:   
Adam M. Shienvold, Esq., No. 81941  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, Eighth Floor  
Harrisburg, PA 17101-2132  
(717) 237-6000



Of Counsel:

Charles A. Laff  
Robert S. Beiser  
Sean S. Swidler  
Michael Best & Friedrich LLC  
401 N. Michigan Avenue, Suite 1700  
Chicago, IL 60611  
(312) 222-0800

Attorneys for Defendant  
eftchildsupport.com LLC

CERTIFICATE OF SERVICE

I certify that on this 29<sup>th</sup> day of November, 2001, a true and correct copy of the following:

Defendant's Answer to Plaintiff's Amended Complaint

was served by Hand Delivery on:

Thomas A. French, Esq.  
Kevin M. Gold, Esq.  
RHOADS & SINON, LLP  
213 Market Street, 12th Floor  
P.O. Box 1146  
Harrisburg, PA 17108

and by First Class Mail on:

Christopher P. Isaac, Esq.  
Lionel M. Lavenue, Esq.  
Kristen M. Healey, Esq.  
FINNEGAN HENDERSON FARABOW  
GARRETT & DUNNER LLP  
1300 I Street NW  
Washington, DC 20005

By: 

One of Defendant's Attorneys